

REMARKS

Reconsideration of this application is respectfully requested.

Claims 8 and 9 are withdrawn in view of the Restriction Requirement set forth in the April 24, 2009 Office Action. Upon entry of this amendment, claims 1-7 are pending and at issue.

Obviousness Rejection

Claims 1, 2, and 4-7 are rejected as obvious over U.S. Patent No. 7,309,446 ("Kley") in view of U.S. Patent Publication No. 2003/0205190 ("Linares").

Claim 3 is rejected as obvious over Kley in view of Linares, and further in view of U.S. Patent Publication No. 2004/01992620 ("Pope").

In the Office Action, the Examiner contends that the March 11, 2009 Declaration under 37 CFR § 1.131 was not sufficient to demonstrate that the invention predates the Kley invention because Kley claims the priority of several provisional applications. The earliest Kley provisional application was filed on March 29, 2004.

The Rejection is traversed and reconsideration is respectfully requested.

As provided in the attached Second Declaration of inventors Jae Kap Lee and Phillip John, the conception date of the present invention was prior to March 29, 2004 (see ¶¶ 2-4). Further, the inventors and their representatives diligently worked on reducing this invention to practice from the date of conception until the invention was constructively reduced to practice by filing of the Korean priority application on Oct. 19, 2004, as established in the Second Declaration of inventors Jae Kap Lee and Phillip John at, e.g., ¶¶ 4-6.

Thus, applicants respectfully request withdrawal of the rejection of claims 1-7 over Kley.

Conclusion

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered, and that the pending claims be allowed and the case passed to issue.

If there are any other issues remaining that the Examiner believes can be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: August 21, 2009

Respectfully submitted,

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